

#15

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 3743  
Attorney  
Docket: 1671-0282

Client  
Docket: DEP-538

Applicant: Maroney

Invention: Method and Apparatus for  
Resecting a Greater Tubercle  
From a Humerus of a Patient  
During Performance of a Shoulder  
Replacement Procedure

Serial No.: 09/767,487

Filed: January 23, 2001

Examiner: K. Ferko

Via Facsimile  
(703) 308-6916

FAX RECEIVED  
OCT 01 2003

PETITIONS OFFICE

I hereby certify that this correspondence  
is being facsimile transmitted to the  
U.S. Patent and Trademark Office  
Fax. No. (703) 308-6916 on October 1, 2003  
(Date of Deposit)

Paul J. Maginot

Name of person signing this certificate

Paul J. Maginot

Signature of person signing this certificate

**PETITION FOR WITHDRAWAL FROM ISSUANCE UNDER 37 CFR 1.313 FOR  
CONSIDERATION OF A REQUEST FOR CONTINUED EXAMINATION**

Hon. Commissioner of Patents and Trademarks  
Alexandria, VA

This is a petition for withdrawal of the above-referenced application from  
issuance for consideration of a Request for Continued Examination so that  
references cited in a corresponding foreign application may be considered.

10/03/2003 AKELLEY 00000006 130014 09767487

01 FC:1460 130.00 DA

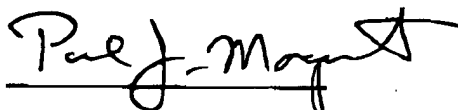
I, Paul J. Maginot, of the firm of Maginot, Moore & Beck, do hereby state and attest to the following:

1. The Issue Fee Transmittal and payment of the issue were filed as evidenced by the attached documents on August 22, 2003 (Exhibit A).
2. On September 7, 2003, a European Search Report was issued by the the European Patent Office in a corresponding foreign application (Exhibit B). Three of the references cited in the European Search Report were classified as being particularly relevant, either alone or in combination with another document.
3. The attached Request for Continued Examination and Supplemental Information Disclosure Statement with its accompanying Form 1449 and copy of a European patent application are being submitted with this petition and authorization is being given for the fee under 37 CFR 1.17(e) (Exhibit C).

In view of the above, it is respectfully requested that the above-referenced patent application be withdrawn from issuance so that the references cited in the European Search Report that are identified in the Supplemental Information Disclosure Statement may be properly considered.

Please charge Deposit Account No. 13-0014 for the petition fee due pursuant to 37 C.F.R. § 1.17(h).

Respectfully submitted,



Paul J. Maginot, Reg. No. 34,984

October 1, 2003

Maginot, Moore & Beck  
Bank One Center/Tower

111 Monument Circle, Suite 3000  
Indianapolis, Indiana 46204-5115  
ph. (317) 638-2922  
fax (317) 638-2139

Attachments: Exhibits A-C